

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TOPICAL CORTICOSTEROID : 16mc7000
ANTITRUST LITIGATION :
: MASTER CASE ORDER No. 3

WILLIAM H. PAULEY III, District Judge:

By motions dated February 10, 2017, the End Payor Plaintiffs and the Direct Purchaser Plaintiffs seek leave to file their consolidated amended complaints under seal. On February 13, 2017, this Court received redacted consolidated amended complaints, which Plaintiffs propose be filed publicly.

The proposed redactions raise a number of questions and in some instances may render the redacted complaint unintelligible, making “public monitoring of this action an exercise in futility.” In re Platinum & Palladium Commodities Litig., 828 F. Supp. 2d 602, 603 (S.D.N.Y. 2011). For example, the Direct Purchasers’ proposed wholesale redactions obliterate the entire theory of the case. Elsewhere, this Court wonders how Wholesale Acquisition Cost benchmark prices, which represent manufacturers’ published list prices, could be protected or confidential information. These examples are merely illustrative. It appears from the parties’ motions that they seek to protect such information because it was obtained from non-parties. But that does not suffice in federal court.

There is a “strong presumption of public access to court records in federal litigation.” Standard Chartered Bank Int’l (Americas) Ltd. v. Miguel Calvo, 757 F. Supp. 2d 258, 259 (S.D.N.Y. 2010) (quoting In re Orion Pictures Corp., 21 F.3d 24, 26 (2d Cir. 1994)). And “courts must be leery of confidentiality requests that ‘permit the parochial interest of one party to trump the public interest in the efficient and transparent administration of justice.’” In re

Platinum & Palladium, 828 F. Supp. 2d at 603 (quoting Standard Chartered Bank, 757 F. Supp. 2d at 259).

Accordingly, counsel are directed to submit memoranda by February 22, 2017 explaining the reasons for any proposed redactions.

Dated: February 15, 2017
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.